**IN THE HIGH COURT OF UTTARANCHAL, AT NAINITAL**

**WRIT PETITION NO. 4773 OF 2001 (S/S)**

U.P. State Road Transport Corporation through
Regional Manager, Dehradun, Distt. Dehradun
..... Petitioner

**Versus**

1. Labour Court, U.P. Dehradun, Distt. Dehradun
2. Shri Birendra Bhandari, Authorized Representative UPSRTC, Workers Union, Local Bus Stand, Dehradun

..... Respondents

***Shri A.N. Sharma, Id. counsel for the petitioner.***
***Shri B.P.S. Mer holding brief of Shri M.C. Pant for Respondent No. 02***

**Dated: 27.10.2005**

**Hon'ble P.C. Verma, J.**

By means of this writ petition, the petitioner has prayed for writ of Certiorari quashing the impugned order dated 08.08.2001, passed by Respondent No. 1 Presiding Officer, Labour Court, Dehradun in Misc. Case No. 119 of 2001.

Brief facts of the case according to the petitioner are that a claim application was filed by Respondent No. 2 on behalf of Workers Union under Section 33-C(2) of the Industrial Disputes Act, 1947 for payment of arrears of difference of salary, leave encashment and arrears of Dearness Allowances arose out of implementation of the recommendations of 5$^{th}$ pay commission. The learned Tribunal after considering the entire evidence on record allowed the application of the Respondent No. 2 and ordered the petitioner to pay the amount which has been mentioned in the list against their names under Section 33-C(2) of the Act within a period of one month alongwith Rs. 200/- as litigation expenses to each applicant/ workman. Feeling aggrieved, this writ petition has been filed.

I have heard learned counsel for the parties and perused the entire evidence on record.

Before the learned Labour Court, the petitioner has accepted that recommendation of 5th pay commission is binding on the Corporation and according to the recommendation, the dues are payable to their employees. It was also accepted that the financial condition of the corporation is not good at present and as and when the financial condition will be improved, the dues shall be paid to the employees. Keeping in view the facts and circumstances of the case, the Tribunal has rightly ordered to pay the dues to the employee- workman within a period of one month.

I do not find any force in the writ petition. The Labour Court has recorded the finding of fact, which does not call any interference.

The writ petition is devoid of merit and is dismissed. No order as to costs.

Rajeev Dang **(P.C. Verma, J.)**